



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 4, 1997

Mr. Ron M. Pigott  
Assistant General Counsel  
Texas Department of Public Safety  
P.O. Box 4087  
Austin, Texas 78773-0001

OR97-2640

Dear Mr. Pigott:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 111041.

The Texas Department of Public Safety (the "department") received a request for reports regarding "security at the Texas Capitol, the Capitol complex and/or other state-owned or occupied buildings completed and distributed to members of the Texas Legislature and/or members of the state executive branch within the last 12 calendar months." You claim that the requested information is excepted from disclosure under sections 552.106 and 552.108 of the Government Code. We have considered the exceptions you claim and reviewed the submitted information.

Section 552.108 provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of 552.021 if: (1) release of the information would interfere with the detection, investigation or prosecution of crime; [or] (2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred

adjudication; or (3) it is information that: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [public disclosure] if: (1) release of the internal record or notation would interfere with law enforcement or prosecution; (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or (3) the internal record or notation: (A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or (B) reflects the mental impressions or legal reasoning of an attorney representing the state.

You state that the release of the requested information deals with the detection of crime and that its release would interfere with that detection. You explain in your brief to this office that

[r]elease of these reports would have a drastic and detrimental effect on the Capitol Police's ability to secure and protect the Capitol and its residents. The description of current security provisions could easily be used to develop a plan to thwart security and avoid detection. Knowing what measures and tools are recommended and needed not only indicates where security may be vulnerable but it provides a description of what the maximum security for any area may be.

We have reviewed the documents at issue. We agree that the department has demonstrated the applicability of section 552.108 to the submitted documents. Cf. Open Records Decision No. 413 (1984) (sketch showing prison security measures protected from disclosure). Thus, the requested information may be withheld from disclosure.<sup>1</sup>

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous

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<sup>1</sup>As we resolve this matter under section 552.108, we do not address your arguments under section 552.106 of the Government Code.

determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/glg

Ref.: ID# 111041

Enclosures: Submitted documents

cc: Mr. Juan B. Elizondo, Jr.  
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